

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

3213

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/520306**INTERNATIONAL APPLICATION NO.  
PCT/IT 03/00426INTERNATIONAL FILING DATE  
JULY 8, 2003PRIORITY DATE CLAIMED  
AUG. 21, 2002 & JUNE 27, 2003

## TITLE OF INVENTION

SHOE, ADJUSTABLE, TRANSPIRING AND CUSHIONING

## APPLICANT(S) FOR DO/EO/US

Gilberto MELIS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 260998916 US**
23. ☐ Other items or information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |              |   |            |   |                                 |
|---|--------------|---|------------|---|---------------------------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)<br><div style="font-size: 24pt; font-weight: bold; text-align: center;">10/520306</div>  |              | INTERNATIONAL APPLICATION NO.<br><div style="text-align: center;">PCT/IT 03/00426</div> |            | ATTORNEY'S DOCKET NUMBER<br><div style="text-align: center;">3213</div> |                                 |
| 24. The following fees are submitted:<br><input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00<br><input checked="" type="checkbox"/> b) Examination fee ..... \$200.00<br><input checked="" type="checkbox"/> c) Search fee ..... \$500.00<br><div style="text-align: right; font-weight: bold;">TOTAL OF ABOVE CALCULATIONS = \$1000.00</div>  |              |   |            | Applicant use<br>\$ 300.00<br>\$ 200.00<br>\$ 500.00<br>\$ 1,000.00     | Office use only<br><br><br><br> |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |            |   |                                 |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole)                  | RATE       |   |                                 |
| 12 - 100 =  | -88 /50 =    | -1  | x \$250.00 | \$ (\$250.00)   |                                 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |   |            | \$  |                                 |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       |   |                                 |
| Total claims  | 13 - 20 =    | 0   | x \$50.00  | \$ \$0.00   |                                 |
| Independent claims  | 1 - 3 =      | 0   | x \$200.00 | \$ \$0.00   |                                 |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input checked="" type="checkbox"/> + \$360.00  |              |   |            | \$ \$360.00   |                                 |
| TOTAL OF ABOVE CALCULATIONS =   |              |   |            | \$ \$1,360.00   |                                 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |   |            | \$ \$680.00   |                                 |
| SUBTOTAL =  |              |   |            | \$ \$680.00   |                                 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | \$ \$0.00   |                                 |
| TOTAL NATIONAL FEE =  |              |   |            | \$ \$680.00   |                                 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +   |              |   |            | \$ \$40.00  |                                 |
| TOTAL FEES ENCLOSED =   |              |   |            | \$ \$720.00   |                                 |
| Amount to be refunded:  |              |   |            |   | \$                              |
| Amount to be charged:   |              |   |            |   | \$                              |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>19-4675</u> in the amount of <u>\$720.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-4675</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |              |   |            |   |                                 |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |   |            |   |                                 |
| SEND ALL CORRESPONDENCE TO:<br>STRIKER, STRIKER & STENBY<br>103 EAST NECK ROAD<br>HUNTINGTON, NY 11743  |              |   |            |   |                                 |
| SIGNATURE<br><br>MICHAEL J. STRIKER<br>NAME<br>27233<br>REGISTRATION NUMBER   |              |   |            |   |                                 |

The PTO did not receive the following  
 trans rem(s) NO 40 Assignments